

REMARKS

In response to the Office Action dated July 28, 2006, Applicants respectfully request reconsideration.

35 U.S.C. § 103 rejections

Claims 2-3, 10-11, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,961,604 (Anderson) in view of U.S. Patent No. 6,299,538 (McIntyre) in view of U.S. Patent No. 6,271,845 (Richardson).

Anderson in view of McIntyre in view of Richardson does not teach, disclose, suggest, or make obvious a method as recited in claim 2. Claim 2 recites:

displaying a single monitoring icon with a normal indication if each operating characteristic of each of the plurality of UPS devices being monitored by the system is diagnosed to be in a normal state; and

displaying the single monitoring icon with an abnormal indication if at least one of the UPS operating characteristics of at least one of the plurality of UPS devices being monitored by the system is diagnosed to be in an abnormal state.

The Examiner asserted that the combination of Anderson, McIntyre, and Richardson teaches the abovementioned claim language. Applicants respectfully disagree. M.P.E.P. § 2143 states,

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.**

(Emphasis added). Applicants respectfully submit that the combination of Anderson, McIntyre, and Richardson fails to meet the third criteria because in combination the cited references do not teach, disclose, suggest, or make obvious 1) displaying a single monitoring icon, with a normal indication 2) if each operating characteristic of each of the plurality of UPS devices being monitored by the system 3) is diagnosed to be in a

normal state. Likewise, the combination of Anderson, McIntyre, and Richardson fails to teach, disclose, suggest, or make obvious 1) displaying the single monitoring icon with an abnormal indication 2) if at least one of the UPS operating characteristics of at least one of the plurality of UPS devices being monitored by the system is 3) diagnosed to be in an abnormal state. Applicants respectfully assert that the Examiner is reading sub-portions of the claim out of context. Assuming, *arguendo*, that McIntyre discusses an icon, and that Richardson discusses a single monitoring icon for a plurality of devices, the combination of Anderson, McIntyre, and Richardson does not disclose at least displaying a single monitoring icon with a normal indication if each operating characteristic of each of the plurality of UPS devices being monitored by the system is diagnosed to be in a normal state.

If a person of ordinary skill in the art combined Anderson, McIntyre, and Richardson, claim 2 would not result. The Examiner pointed to FIG. 7, item 220 of Anderson and to col. 15, l. 40 – col. 16, l. 2 of McIntyre as disclosing respective portions of claim 2. (Office Action Dated 7/28/06). FIG. 7 of Anderson shows a screen shot including pieces of discrete data regarding a “particular” (i.e., single) connected power supply. Column 15, l. 40 – col. 16, l. 2 of McIntyre discusses various graphics used to represent corresponding computer system port conditions. Thus, the combination of Anderson and McIntyre would at least (although not necessarily) suggest to a skilled artisan a method that includes multiple icons where each icon represents the condition of one characteristic of multiple characteristics of a single power supply. The Examiner went on to cite col. 4, ll. 20-46 and col. 10, ll. 44-60 of Richardson as teaching a single monitoring icon for a plurality of devices. The cited portions of Richardson discuss several icons that each represents health characteristics of more than one network server attached to the system. Thus, the combination of Richardson with Anderson and McIntyre would at least (although not necessarily) suggest to a skilled artisan a method that includes displaying multiple icons that each represent the status of less than all of the attached devices. Claim 2, however, recites displaying a single monitoring icon with a normal indication if each operating characteristic of each of the plurality of UPS devices being monitored by the system is diagnosed to be in a normal state.

Furthermore, Applicants respectfully assert that a person of ordinary skill in the art would not have been motivated to combine Anderson McIntyre, and Richardson. Consequently, the combination of Anderson, McIntyre, and Richardson fails to meet the first prong of the prima facie case of obviousness discussed above. M.P.E.P. § 2143.01 states,

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. “The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art.” *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). *See also In re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

(Emphasis added). M.P.E.P. § 2143.01 goes on to state,

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)

(Emphasis added).

With the above in mind, not only does the combination of Anderson, McIntyre, and Richardson fail to teach all of the elements recited in claim 2, but also there is no cogent suggestion to combine the references. There is no suggestion to combine the references, within the meaning established by the above precedent, to arrive at the feature “displaying a single monitoring icon with a normal indication if each operating characteristic of each of the plurality of UPS devices being monitored by the system is diagnosed to be in a normal state” and the feature “displaying the single monitoring icon with an abnormal indication if at least one of the UPS operating characteristics of at least one of the plurality of UPS devices being monitored by the system is diagnosed to be in

an abnormal state.” Thus, for at least the above reasons, claim 2 is patentable over the combination of Anderson, McIntyre, and Richardson.

Claim 3, which depends from independent claim 2, stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Anderson, McIntyre, and Richardson. For at least the above reasons discussed above with respect to claim 2, claim 3 is patentable over the combination of Anderson, McIntyre, and Richardson.

Claims 4-9, which depend from independent claim 2, stand rejected under 35 U.S.C. § 103(a) over Anderson in view of McIntyre, in view of Richardson, and in further view of U.S. Pat. No. 6,456,306 (Chin). The Examiner does not assert that Chin makes up for the deficiencies noted above with respect to independent claim 2 from which dependent claims 4-9 depend. Thus, dependent claims 4-9 are patentable for at least the same reasons discussed above with respect to independent claim 2.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson, McIntyre, and Richardson. The Examiner rejected claim 10 using “similar rationale” to that described above with respect to independent claim 2.

Anderson in view of McIntyre in view of Richardson does not teach, disclose, suggest, or make obvious a system as recited in claim 10. Claim 10 recites:

a processor in operable communication with [a] display, the processor being configured to generate a single monitoring symbol having a first indicator on the display if each operating characteristic of each of the plurality of UPS devices being monitored is in a first state and a single monitoring symbol having a second indicator if at least one of the operating characteristics of at least one of the plurality of the UPS devices being monitored is in a second state.

The Examiner asserted that the combination of Anderson, McIntyre, and Richardson teaches the abovementioned claim language. Applicants respectfully disagree. Applicants respectfully submit that the combination of Anderson, McIntyre, and Richardson fails to meet the third criteria of the *prima facie* case of obviousness discussed above because in combination the cited references do not teach, disclose, suggest, or make obvious a system comprising a processor configured to 1) generate a single monitoring symbol having a first indicator on the display 2) if each operating characteristic of each of the plurality of UPS devices being monitored 3) is in a first state.

The combination of Anderson, McIntyre, and Richardson also fails to teach, disclose, suggest or make obvious 1) a single monitoring symbol having a second indicator 2) if at least one of the operating characteristics of at least one of the plurality of the UPS devices being monitored 3) is in a second state. The combination of Richardson with Anderson and McIntyre would at least (although not necessarily) suggest to a skilled artisan a system configured to provide multiple icons that each represent the status of less than all attached devices. Claim 10, however, recites a system comprising a display and a processor configured to generate a single monitoring symbol having a first indicator on the display if each operating characteristic of each of the plurality of UPS devices being monitored by the system is in a first state and a single monitoring symbol having a second indicator if at least one of the operating characteristics of at least one of the plurality of the UPS devices being monitored is in a second state.

Furthermore, Applicants respectfully assert that a person of ordinary skill in the art would not have been motivated to combine Anderson McIntyre, and Richardson. Consequently, the combination of Anderson, McIntyre, and Richardson fails to meet the first prong of the prima facie case of obviousness discussed above.

With M.P.E.P. § 2143.01 in mind (as discussed above), not only does the combination of Anderson, McIntyre, and Richardson fail to teach all of the elements recited in claim 10, but also there is no cogent suggestion to combine the references. There is no suggestion to combine the references, within the meaning established by the above precedent, to arrive at the feature “generate a single monitoring symbol having a first indicator on the display if each operating characteristic of each of the plurality of UPS devices being monitored is in a first state” and “a single monitoring symbol having a second indicator if at least one of the operating characteristics of at least one of the plurality of the UPS devices being monitored is in a second state.” Thus, for at least the above reasons, claim 10 is patentable over the combination of Anderson, McIntyre, and Richardson.

Claim 11, which depends from independent claim 10, stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Anderson, McIntyre, and Richardson. For at least the above reasons discussed above with respect to claim 10, claim 11 is patentable over the combination of Anderson, McIntyre, and Richardson.

Claims 12-16, which depend from independent claim 10, stand rejected under 35 U.S.C. § 103(a) over Anderson in view of McIntyre, in view of Richardson, and in further view of Chin. The Examiner does not assert that Chin makes up for the deficiencies noted above with respect to independent claim 10 from which dependent claims 12-16 depend. Thus, dependent claims 12-16 are patentable for at least the same reasons discussed above with respect to independent claim 10.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson, McIntyre, and Richardson. The Examiner rejected claim 17 using “similar rationale” to that described above with respect to independent claim 2.

Anderson in view of McIntyre in view of Richardson does not teach, disclose, suggest, or make obvious a system as recited in claim 17. Claim 17 recites:

means for generating and displaying a single monitoring icon with a normal indication if each operating characteristic of each of the plurality of UPS devices coupled to the system is diagnosed to be in a normal state;
means for generating and displaying a single monitoring icon with an abnormal indication if at least one of the operating characteristics of at least one of the plurality of UPS devices coupled to the system is diagnosed to be in an abnormal state

The Examiner asserted that the combination of Anderson, McIntyre, and Richardson teaches the abovementioned claim language. Applicants respectfully disagree. Applicants respectfully submit that the combination of Anderson, McIntyre, and Richardson fails to meet the third criteria of the *prima facie* case of obviousness discussed above because in combination the cited references do not teach, disclose, suggest, or make obvious 1) means for generating and displaying a single monitoring icon with a normal indication 2) if each operating characteristic of each of the plurality of UPS devices coupled to the system 3) is diagnosed to be in a normal state. Likewise, the combination of Anderson, McIntyre, and Richardson fails to teach, disclose, suggest, or make obvious 1) means for generating and displaying a single monitoring icon with an abnormal indication 2) if at least one of the operating characteristics of at least one of the plurality of UPS devices coupled to the system 3) is diagnosed to be in an abnormal state. The combination of Richardson with Anderson and McIntyre would at least (although not necessarily) suggest to a skilled artisan a method that includes displaying multiple icons

that each represent the status of less than all of the attached devices. Claim 17, however, recites displaying a single monitoring icon with a normal indication if each operating characteristic of each of the plurality of UPS devices being monitored by the system is diagnosed to be in a normal state.

Furthermore, Applicants respectfully assert that a person of ordinary skill in the art would not have been motivated to combine Anderson McIntyre, and Richardson. Consequently, the combination of Anderson, McIntyre, and Richardson fails to meet the first prong of the prima facie case of obviousness discussed above.

With M.P.E.P. § 2143.01 in mind (as discussed above), not only does the combination of Anderson, McIntyre, and Richardson fail to teach all of the elements recited in claim 17, but also the combination lacks a cogent suggestion to combine the references. The Examiner fails to provide a suggestion to combine the references, within the meaning established by the above precedent, to arrive at the feature “means for generating and displaying a single monitoring icon with a normal indication if each operating characteristic of each of the plurality of UPS devices being monitored by the system is diagnosed to be in a normal state” and the feature “means for generating and displaying a single monitoring icon with an abnormal indication if at least one of the UPS operating characteristics of at least one of the plurality of UPS devices being monitored by the system is diagnosed to be in an abnormal state.” Thus, for at least the above reasons, claim 17 is patentable over the combination of Anderson, McIntyre, and Richardson.

Claim 18, which depends from independent claim 17, stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Anderson, McIntyre, Richardson, and Chin. For at least the above reasons discussed above with respect to claim 17, claim 18 is patentable over the combination of Anderson, McIntyre, Richardson, and Chin.

Conclusion

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested. If a telephone conversation with Applicant's representative would help expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at (617) 542-6000.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account 50-0311, Reference No. 18133-102. The Director is further authorized to charge any required fee(s) under 37 C.F.R. §§ 1.19, 1.20, and 1.21 to the abovementioned Deposit Account.

Respectfully submitted,



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